

## REMARKS

Claims 37 – 40 are pending in this application. Claims 38 and 39 are amended. No new matter has been added. Claim 40 is cancelled without prejudice or disclaimer. Applicant reserves the right to file divisional/continuation applications to cancelled subject matter. No new matter is added. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Applicant thanks the examiner for the courtesy extended during the interview of Wednesday, January 17 with applicant's attorney, Fred Hernandez.

### REJECTION OF CLAIMS 37 –38 UNDER 35 U.S.C. §102(e)

Claims 37 – 38 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Deem *et al.* (6,679,264). Reconsideration of the grounds for these rejections is respectfully requested in view of the following remarks.

Claim 37 recites features that are not disclosed or suggested by Deem. For example, claim 37 recites the step of providing a delivery catheter having an elongate shaft and a housing removably attachable to a distal end of the shaft, the housing defining an inner cavity sized to receive the bronchial isolation device. As shown for example in Figure 27 of the current application, the delivery catheter 110 has a housing that is removably attached to a distal end of the delivery catheter shaft. As recited in claim 27, the shaft is positioned through the working channel while the housing is detached from the shaft. The housing is then coupled to the distal end of the shaft while the shaft is positioned in the working channel of the bronchoscope.

Deem fails to show or suggest providing a delivery catheter having an elongate shaft and a housing removably attachable to the distal end of the shaft wherein the housing defines an inner cavity sized to receive the bronchial isolation device. Deem

also fails to show the steps of positioning the shaft of the delivery catheter through the working channel while the housing is detached from the shaft and coupling the housing to the distal end of the shaft while the shaft is positioned in the working channel. In view of the foregoing, applicant respectfully submits that the rejection of claim 37 and its dependent claim 38 should be withdrawn.

### **REJECTION OF CLAIM 39 UNDER 35 U.S.C. §102(e)**

Claims 39 is rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Deem et al. (6,679,264). Reconsideration of the grounds for these rejections is respectfully requested in view of the following remarks.

Claim 39 recites features that are not disclosed or suggested by Deem. For example, claim 39 recites the step of providing a delivery catheter having an elongate shaft, a housing attached to a distal end of the shaft, and a handle that detachably couples to a proximal end of the shaft wherein the handle has a movable actuator. Thus, as shown for example in Figures 21A-22 of the present application, the handle 830 detachably couples to the proximal end of the shaft of the delivery catheter 110.

Deem fails to disclose or suggest a delivery catheter having a handle that detachably couples to a proximal end of the shaft. In Deem, the handle 84 is not detachably coupled to the delivery catheter shaft. Thus, applicant respectfully submits that the rejection of claim 39 should be withdrawn.

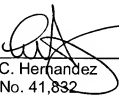
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the above amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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Fred C. Hernandez  
Reg. No. 41,832

**PTO Customer No. 20985**  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5625  
Facsimile: (202) 626-7796  
Email: fhernandez@fr.com

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